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7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,)	
)	No. CR 10-00850 CW (DMR)
12 Plaintiff,)	
)	STIPULATION AND ORDER
13 v.)	CONTINUING STATUS DATE
)	
)	
15 JAVIER GUTIERREZ-CHAVEZ,)	
)	
16 Defendant.)	

17
18 **STIPULATION**

19 IT IS HEREBY STIPULATED, by and between the parties to this action, that the status
20 hearing for defendant Javier Gutierrez-Chavez, currently set for Wednesday, December 15, 2010 at
21 10:00 a.m. is vacated and continued to Thursday, December 16, 2010, at 9:30 a.m. for status. The
22 reason for the continuance is that defense counsel is unavailable on Wednesday, December 15, 2010.

23 IT IS FURTHER STIPULATED that the time from Wednesday, December 15, 2010, to
24 Thursday, December 16, 2010 shall be excluded in accordance with the Speedy Trial Act, 18 U.S.C.
25 §§ 3161(h)(7)(A) and (B)(iv) for adequate preparation of counsel and continuity of counsel.
26

1 DATED: 12/14/10

/s/
JOYCE LEAVITT
Attorney for Javier Gutierrez-Chavez

4 DATED: 12/14/10

/s/
TREVOR RUSIN
Special Assistant United States Attorney

7 I hereby attest that I have on file all holographed signatures for any signatures indicated by a
8 conformed signature (/s/) within this e-filed document.

9 **ORDER**

10 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the status hearing for
11 defendant Javier Gutierrez-Chavez, currently set for Wednesday, December 15, 2010 at 10:00 a.m. is
12 vacated and continued to Thursday, December 16, 2010, at 9:30 a.m. for status.

13 IT IS FURTHER ORDERED that the time from Wednesday, December 15, 2010, to Thursday,
14 December 16, 2010 shall be excluded in accordance with the provisions of the Speedy Trial Act, 18
15 U.S.C. §§ 3161(h)(7)(A) and (B)(iv) for adequate preparation of counsel and continuity of counsel.
16 The Court finds that the ends of justice served by the granting of the continuance outweigh the best
17 interests of the public and the defendant in a speedy and public trial and the failure to grant the
18 requested continuance would unreasonably deny counsel the reasonable time necessary for effective
19 preparation, taking into account due diligence and continuity of counsel.
20

21 SO ORDERED.

22 DATED: 12/14/10

23 
HON. DONNA L. RYU
United States Magistrate Judge